

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRIS ALBERT RIBAUDO,	:
	:
Plaintiff	:
v.	: 3:18-CV-1190
	: (JUDGE MARIANI)
OFFICER SAMUEL DESIMONE,	:
	:
Defendant	:

ORDER

AND NOW, THIS 6th DAY OF JULY, 2023, upon review of Magistrate Judge

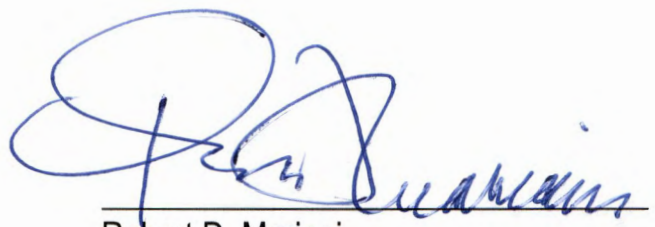
Susan Schwab's Report & Recommendation ("R&R") (Doc. 87) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 87) is **ADOPTED** for the reasons stated therein.
2. Plaintiff's complaint is **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ.

P. 41(b) for failure to comply with the Court's Orders and for failure to prosecute this action.¹

¹ Magistrate Judge Schwab's reasoning and conclusion that Plaintiff has failed to prosecute and has abandoned this action is further supported by Plaintiff's failure to file any Objections to the pending R&R. The Court agrees with the R&R's findings that an application of the *Poulis* factors supports the dismissal of this action. See Doc. 87, at 9-13; *Poulis v. State Farm Fire and Cas. Co.*, 747 F.2d 863 (3d Cir. 1984). Further, an analysis of the sixth *Poulis* factor – meritoriousness of the claim – is bolstered by the R&R's recommendation that, were the Court to consider Defendant's summary judgment motion, that motion should be granted where the undisputed facts show that Defendant "had a warrant supported by probable cause for [Plaintiff's] arrest and probable cause supported the charges against [Plaintiff]" (Doc. 87, at 13).

3. The Clerk of Court is directed to **CLOSE** this action.

A handwritten signature in blue ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge